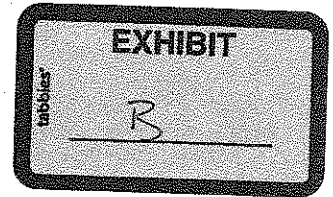




50 West 14th Street, Suite 200
Helena, MT 59601
tel: 406-441-1400
fax: 406-449-7725

DRAFT



December 16, 2008

Mr. Tom Rogers
Planner
Gallatin County Planning Department
311 West Main, Room 208
Bozeman, MT 59715

Subject: Huttinga Gravel Pit Traffic Impact Study (TIS) Review
Gallatin County, Montana

Dear Tom:

This letter has been prepared to document Camp Dresser & McKee's (CDM) review of the submitted Traffic Impact Study (TIS) for the Huttinga Gravel Pit. The submitted TIS is dated November 22, 2008. The location of this existing gravel pit is in Gallatin County, and is generally located southeast of US Highway 191 and north of Little Bear Road. The TIS was prepared by Marvin and Associates.

We feel that the TIS has been completed in accordance with general traffic engineering methodologies and principles. We can find no flaws in the trip generation, distribution, assignment and/or technical analysis of the material. We do want to point out a few items of interest, however, that the County may want to consider as the proposal is being contemplated through the approval process:

Compliance with Gallatin County Traffic Impact Study Requirements (dated May 5, 2008)

In reviewing the TIS against the Gallatin County Traffic Impact Study Requirements (dated May 5, 2008), we offer the following comments:

Item 2 - Scope of Work:

The "study time frame" observed in the report was for the existing year (year 2008), plus for the next 5-year period. This is in accordance with the May 5th, 2008 memorandum from Planning Director Greg Sullivan. However it is not specified anywhere in the TIS what the gravel pit life span is in accordance with the current permit. The County's TIS requirements imply that the TIS needs to assess operations at all 5-year forecasts, and if the life span of the pit is longer than the year 2013, then additional 5-year analysis periods appear to be missing in the TIS (i.e. 2018, 2023, etc.). A point of clarification is in order to address this.



Mr. Tom Rogers
December 16, 2008
Page 2

Item 3 – Minimum TIS Requirements:

Trip generation forecast – note that the preparer of the TIS correctly acknowledges that “...there are no land use categories within the ITE Trip Generation Report similar to the proposed gravel pit operations” (page 4 TIS). As such, the preparer generates trip generation rates from historical load data associated with the subject gravel pit operation. We find no flaws with the derivation of the trip generation rates used in the TIS.

Existing conditions – it is unclear whether there are any “recently approved but not-yet built” developments that exist in the County that may have an impact to the presented analysis. The County TIS Requirements specifically state that for the “Existing Conditions” analysis that existing conditions include “...development that has been approved but not yet built, as identified by the Planning Department”. In theory, any such subdivision that meets that requirement and utilizes Little Bear Road should be recognized and traffic volumes along Little Bear Road adjusted accordingly for the TIS operational analysis. In practicality, however, the author of the TIS did address this through the use of an ambient background growth rate of 5 percent over 5 years (1 percent per year) to account for future local and regional growth that may impact Little Bear Road (page 3 and page 6 TIS). This is a customary and acceptable method to account for future growth along a transportation facility in absence of detailed information on other approved and/or pending developments in the area.

Existing and future levels of service, average vehicle delay and v/c ratios – all of these parameters are contained in the appendices to the TIS, and are based on accepted methodologies. They are not specifically presented in the text of the TIS, with the exception of the general comments about level of service of A being realized at the existing intersections (page 3 TIS) and that year 2013 would also operate at LOS A (page 6 TIS).

Analysis of access road conditions – although this statement seems to be a requirement in the County’s TIS requirements, we do not believe the “access road condition analysis” is necessary for this proposal based on the proximity to Little Bear Road and US Highway 191. It should be noted that the specific language in the May 5, 2008 memorandum on traffic impact study requirements does state “...a road condition analysis shall at a minimum evaluate the road surface and road sub-grade conditions. Sub-grade evaluations shall be done by bore samples of cross sections of roads at locations as determined by the Gallatin County Road and Bridge Department and/or Montana Department of Transportation”.



Mr. Tom Rogers
December 16, 2008
Page 3

Conclusion

As specified earlier, we'd like to reiterate that the TIS has been completed in compliance with standard traffic engineering methodologies and principles. Depending on the status of the overall project, an addendum to the TIS may or may not be warranted. There does appear to be a few items in the County's Traffic Impact Study Requirements (dated May 5, 2008) that have not been addressed. This predominately has to do with completing the traffic operational assessment for interim five-year forecasts (2018, 2023, etc.), if in fact the life span of the gravel pit extends that far out in accordance with the approved permit.

Please let us know if you have any questions regarding the review of this Traffic Impact Study.

Yours Truly,

A handwritten signature in black ink that reads 'Jeffrey A. Key'.

Jeffrey A. Key, P.E.
Senior Project Manager

cc: file



Gallatin County, Montana

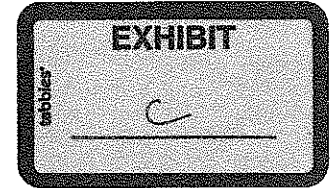
Road, Bridge, & Junk Vehicle Departments

205 Baxter Lane West; Bozeman, MT 59718

Phone: (406) 582-3250

Fax: (406) 582-3255

www.gallatin.mt.gov



December 19, 2008

Gallatin County Planning
Gallatin County Courthouse
311 W. Main
Bozeman, MT 59715

ATTENTION: Mr. Tom Rogers, Planner

Re: Huttinga Gravel Pit CUP

A detailed signage and drainage plan shall be submitted to the county road office for approval, prior to the start of any construction. This plan should specifically address the requirement for road name signs to be installed at all intersections, as well as STOP sign(s) at all intersections with county maintained roads. STOP signs and other regulatory or warning signs, trucks entering signs shall be addressed in the plan. All signage must conform to the Manual on Uniform Traffic Control Devices (MUTCD), Millennium Edition.

Encroachment permit(s) must be obtained from the county road office for any access points coming off of county maintained roads. A "no access" strip is required along all lot boundaries that border county maintained roads with the exception of approved approaches.

Because Little Bear Road has in excess of 100 ADT's per day, and is currently at a width less than 24 feet (a standard pavement width per Section 7, Table 2, Gallatin County Subdivision Regulations), it is required that the following location along said road be paved to county standards: from U.S. Highway 191 to 100 linear feet past the gravel pit access road. These improvements shall be determined after random bore hole sampling to determine existing sub-grade and base section of the roadway. An engineering analysis and design shall be performed to establish the proper construction methods to ensure the roadway is improved to current county standards. All section and ¼ corners disturbed due to construction activities shall be raised to finished grade. All utility relocations, drainage improvements, bridge improvements and incidental work needed to accomplish this offsite roadwork shall be included. Plans and encroachment permits for these improvements shall be approved by the County Road department prior to any construction.

A detailed traffic study shall be prepared to identify off-site traffic impacts the development will have on the following existing county roads or state highways: Little Bear and Little Bear Spur Roads, with all intersections in the immediate area that will be affected by this commercial operation. The study will be used to identify primary and secondary access roads, as well as collectors and arterials in the area of impact. Findings from this study may result in the need to have additional right-of-way along certain county maintained roads dedicated to the public.

Two "No Trucks" signs shall be installed on Little Bear Spur Road due to its narrow gravel width and three narrow bridges.

A pre-construction meeting shall be scheduled with the County Road Department prior to the start of any construction.

All roadwork shall be built to Montana Public Works Standard Specifications (Current Edition), inspected and certified by a licensed engineer. Such inspection and certification must be provided to the county road office in writing. Final approval will not be given until this documentation is received.

For all proposed development onsite and offsite road improvements a two (2) year written warranty from the contractor shall be required. This warranty must be submitted to the county road office prior to final approval. Striping must be included after the paving of any county maintained roadway.

Thirty (30) feet of Little Bear Road north of centerline shall be dedicated to the public for the entire length of the development.

A waiver of right to protest the creation of future RIDs shall be required.

All areas of the public right of way disturbed during construction activities must be sodded or reseeded.

Sincerely,

A handwritten signature in dark ink, appearing to read "George Durkin", written in a cursive style.

George Durkin
County Engineer

Rocky Mountain Engineers, P.L.L.C.

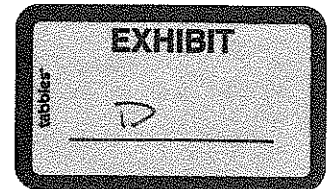
Civil Engineering & Land Surveying

1700 W. Koch St., Suite 7, Bozeman, Montana 59715

(406) 586-4859

November 13, 2008

Mr. Tom Rogers
Gallatin County Planning Department
311 W. Main, Room 108
Bozeman, MT 59715



Re: Huttinga Gravel Pit - Conditional Use Permit

Dear Tom,

Attached is a copy of the initial Environmental Assessment for the Huttinga Gravel Pit. The initial EA was prepared by the Open Cut Mining Program in 1996. The environmental assessment recommended that no further analysis be performed as the impact of the gravel mining operation was not significant. Copies of the Supplemental Environmental Assessments, prepared in 2003, and 2006 are included in Appendix A of the Conditional Use Permit Application.

Please include this information with the previously submitted conditional use permit application. Feel free to call if you should have any further questions regarding the application.

Best Regards,

Ray H. Center
Ray H. Center, P.E., L.S.

ENVIRONMENTAL ASSESSMENT

Ray Center

886-4859

Project Name: Huttinga Proposed Implementation Date: OngoingProponent: Dick Huttinga

Type and Purpose of Action: Huttinga proposes to mine 250,000 cubic yards of sand and gravel to be used to supply the local area with various sand and gravel products. Huttinga would salvage soils, mine gravel, recontour, creating a 5.0 acre pond up to 15 feet deep that would be utilized for recreation and wildlife. The slopes above the highwater line and the hardstand areas, crusher site, and mineral stockpile locations will be topsoiled and seeded.

Location: SE¼, Sec. 25, T3S, R4E County: Gallatin

N = Not present or No Impact will occur.

Y = Impacts may occur (explain under Potential Impacts).

IMPACTS ON THE PHYSICAL ENVIRONMENT

RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
1. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE: Are fragile, compactible or unstable soils present? Are there unusual geologic features? Are there special reclamation considerations?	[Y] The proposed site lies within the Bear Creek alluvial valley and slopes down gradient to the west and south. This area is predominantly fluvial deposits of Quaternary Age consisting of silt, sand, and gravel. The soils are of a clay silt loam texture and are 6 to 12 inches deep. The soils would be salvaged prior to mining and replaced on the pond shoreline (down to the high water mark), crusher site, hardstand areas, and mineral stockpile sites following recontouring. The Overburden which is approximately 2 feet deep will be utilized as a product.
2. WATER QUALITY, QUANTITY AND DISTRIBUTION: Are important surface or groundwater resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality?	[Y] There are two wells located within 1,000 feet of the site, both are on Huttinga property, one well is located approximately 150 feet to the south and is 55 feet deep and the static water depth is at 17 feet. The other well is approximately 250 feet to the south and has approximately the same characteristics as the well 150 feet away. The applicant will not dewater the site, but will use a hydraulic excavator to obtain the 13 foot depth. The confluence of Big Bear Creek and Little Bear Creek is approximately 500 feet to the south and to the south of the Huttinga buildings. There are various irrigation ditches which irrigate the land to the north and east. All of the ditches are on Huttinga property and the water rights are owned by the same property. There should be no impact to any surface or ground water resources. The applicant will berm and line any fuel and fuel storage areas to contain any petroleum based products spills.
3. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?	[N] There will be an increase in airborne particulates while the soil is being salvaged, the gravel being crushed and hauled, and soil replaced. The applicant will need to secure an Air Quality Permit from the Montana Dept. of Environmental Quality prior to crushing activities and must abide with all applicable air quality guidelines. If required, spray bars will be placed on the crusher to suppress dust. The hard stand areas, soil stockpiles, and haul roads will be watered as necessary.
4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be permanently altered? Are any rare plants or cover types present?	[Y] Existing vegetation will be removed with the soil. Some roots may remain viable in the soil stockpile and regenerate upon replacement. The applicant will seed all affected land to species compatible with the post mine land use. The site currently contains non native grasses. The majority of the old pit area contains no vegetation. The site will be seeded with orchardgrass, mountain or smooth brome, and alfalfa. There are no threatened or endangered plants present.

5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?	[N] The location of the proposed operation precludes the significant use of wildlife, although it would be expected to receive transient use by various avian species and some rodents.
6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Species of special concern?	[N] The Montana Natural Heritage Program has not identified any threatened or endangered plant or animal species present on this site. There is no wetland present on the site.
7. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?	[N] A Ground search by DEQ and the MDOT Cultural Resource Specialist did not reveal the presence of any archaeological or historic values. Should a significant archaeological or historical value be found, the operation will be routed around the site of discovery for a reasonable time until salvage can be made. The State Historic Preservation Office will be promptly notified.
8. AESTHETICS: Is the project on a prominent topographic feature? Will it be visible from populated or scenic areas? Will there be excessive noise or light?	[N]
9. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY: Will the project use resources that are limited in the area? Are there other activities nearby that will affect the project?	[N]
10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other studies, plans or projects on this tract?	[N]

IMPACTS ON THE HUMAN POPULATION

RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
11. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?	[Y] The use of heavy mining and hauling equipment will increase the risk of accidents. However, the applicant must comply with OSHA and MSHA regulations and it is expected that safety considerations will be given the utmost attention.
12. INDUSTRIAL, COMMERCIAL, AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	[Y] 5.0 acres will be permanently removed from agricultural production (irrigated hayfield). In its place will be a pond used for recreation and wildlife including fish and waterfowl habitat.
13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.	[N]
14. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?	[N]
15. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc) be needed?	[N] The site will require periodic site evaluations by DEQ staff, however they would generally be conducted in conjunction with other regional sites.
16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USPS, BLM, Tribal, etc. zoning or management plans in effect?	[N] Zoning clearance has been secured.
17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?	[N]

18. DENSITY AND DISTRIBUTION ... POPULATION AND HOUSING: Will the project add to the population and require additional housing?	[N]
19. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?	[N]
20. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?	[N]
21. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:	[N]

22. Alternatives Considered: Alternative # 1: Denial. The owner of the gravel resource would be denied full utilization of his property at this time.

23. Public Involvement, Agencies, Groups or Individuals contacted: Montana Natural Heritage Program, Montana Dept. of Transportation cultural resource person and Gallatin County Weed Board.

24. Other Governmental Agencies with Jurisdiction, List of Permits Needed: Gallatin County for Zoning Compliance, & MSHA and OSHA for safety permits.

25. Magnitude and Significance of Potential Impacts: Not applicable. A finding of significance is relevant only to the requirement to prepare an EIS under MEPA. However, the statutory time constraints of the Opencut Mining Act preclude preparation of an EIS. Therefore, no such finding is necessary here.

26. Regulatory Impact on Private Property: The analysis conducted in response to the Private Property Assessment Act indicates no impact.

Recommendation for Further Environmental Analysis:

☐ EIS

☐ More Detailed EA

☒ No Further Analysis

EA Checklist Prepared By: Jeffery Burke

Name

Rec. Specialist

Title

Approved By: Steve Webb

Name

Chief, Opencut Mining Section

Title

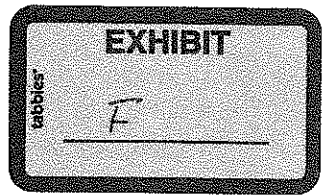
Steve Webb

Signature

1/3/96

Date





Huttinga Gravel Pit
Normal Hours of Operation

The gravel pit is open for business between the hours of 7 am and 5 pm, Monday through Friday. The pit may be open for loading, hauling, and maintenance on Saturdays, 7 am to 5 pm, if necessary. No crushing is planned to occur on Saturday.

Employees typically arrive for work and begin preparing for operation between 6:30 and 7:00 am. During this time equipment is started and allowed to warm up prior to starting work.

Maintenance operations occur during the work day, and after normal business hours. Maintenance work may continue until 10 pm. The crusher typically does not run after hours, but service vehicles, and other equipment is operated during the maintenance process.

Scotty A. & Deborah J. Smith
2081 Little Bear Road
Gallatin Gateway, MT 59730

January 5, 2009

Commissioners Skinner, Murdock and White
Gallatin County Planning Department
311 W. Main, Room 306
Bozeman, MT 59715

RE: Concerns about the Huttinga Gravel Pit CUP

Dear Commissioners,

We are writing to express our continuing concerns in regard to the proposed expansion of the Huttinga Gravel Pit in Gallatin Gateway, MT. We are one of the closest neighbors to the gravel pit operation, being located immediately south of the east end of the operation. We purchased our property in 2001. At that time, the gravel pit was a very small operation, less than 5 acres. We reviewed the conditions of the existing permit, i.e. pit finished in 2010. This was something we could live with, as there was very little disturbance to us at the time. The pit expanded in 2003 and again in 2006 to a total of 25 acres, without any warning to the neighbors (not required at the time). The expansion occurred to the east, directly north of our property. During the last 5 years, we have had to endure the presence of an asphalt batch plant, dust and noise associated with the crusher and the beeping of the equipment as it backs up. Obviously we are alarmed that the pit is once again on the move. Our concerns are as follows:

NOISE—during 2007, the noise associated with the crusher running ALL DAY, EVERY DAY was more than disturbing. With the windows closed in the middle of summer, the noise was still annoying and constant. If you were outside, you would swear there was a freight train passing by. Anyone coming to the house would ask "What in the world is that noise?" You could rely on waking up at 7am without setting your alarm because the noise of the crusher, accompanied by the back-up beeping would begin promptly Monday through Friday. This is in spite of the presence of perimeter berming which is meant to help mitigate noise. At least, the operating hours are Mon-Fri from 7am-5pm. This should remain the same.

We have reviewed the CUP application provided by Mr. Huttinga and noticed the sound level readings to lack a professional and scientific evaluation. How can we expect compliance by Mr. Huttinga and/or enforcement of sound level standards without a scientific basis? Shouldn't such an important condition **REQUIRE** professional evaluation? We know that other pits are required in the terms of their permit to monitor and report the sound levels for a certain period of time, this requirement being based on professional evaluation of noise generated by pit operations, i.e. crushing, etc. We would ask for the same requirement at the Huttinga Pit.

We understand that a gravel pit will be crushing gravel. We do think that steps **must** be taken to minimize the noise disturbance to the surrounding neighbors. **Real noise mitigation** must be included in the conditions. This can be accomplished in a number of ways: enclose the crusher in a building, buy a bigger crusher that can accomplish the job in a shorter amount of time, shorten the number of hours in day the crusher is allowed to run, or restrict the number of days in a month the crusher can run. Some of these options do

January 5, 2009

cost the pit owner money, i.e., larger crusher or enclosure, but that should be part of the cost of doing gravel business near residential development, they should be required to do what is the best to mitigate the disturbance they are causing.

DUST—dust from the gravel pit is at its worst when the crusher is running, and there is some wind. The summer months are the worst since we do open our windows, except on the hottest of days; therefore, there is a continuous presence of dust in our house no matter how often one cleans. The road into the gravel pit is also responsible for stirring up the dust when the trucks enter and leave the facility. I routinely walk on Little Bear Road and have witnessed and inhaled the dirt and dust stirred up by the trucks. I have also witnessed a cloud of dust hanging in the air above the pit on many occasions. I have also noticed that very few trucks have covers on their loads. This is a potential problem for anyone who has ever had to drive down the highway behind a gravel truck.

PREDICTABILITY—in spite of the opposing views on whether gravel pits impact property values, as a property owner, we should have some predictability in knowing what the duration of the gravel operation is. The adjacent property owners have rights too. If in fact, property values are diminished because of close proximity to a gravel pit, a definitive end to the gravel operation would give the adjacent property owner some peace of mind that there will be time for values to rebound. Unpredictability, unending duration and infinite expansion do adversely affect adjacent property. We all make financial decisions and investments in our properties based upon the given set of circumstances. The way it has played out to date; there does not seem to be an end, the permits continue to creep along farther and farther. Approving the Huttinga Pit until 2020 is too long. How can we even trust it will stop then?

PROPERTY VALUES--in Mr. Huttinga's CUP application is a professional appraiser's opinion about the effect of gravel pits near a residential property. In his write-up, he cites our property as supporting evidence for the argument that there is no impact. The appraiser makes the following speculation about our property: "It appears this purchaser did not then consider the pit a minor nuisance at the time". The pit at the time of our purchase as I already mentioned, was a very small operation, and we "knew" the permit was done in 2010. Regardless, the appraiser has no basis or knowledge of what our thinking was when we purchased our property since he did not know us or anything about us. We do take issue with him for making such suppositions to support his argument, which we totally disagree with!

We in fact hired this very appraiser in 2006 to appraise our property because as we told him, due to the gravel pit expansion and increased activity; we were considering moving. His appraisal of our property did not take into consideration that it is less than a 1/2 mile from a gravel pit. His comparables did not include a similar property less than a 1/2 mile from a gravel pit. If we did choose to sell, and the crushers were operating on the day of a potential buyer's visit, well, you can draw your own conclusions.

We would never have made the large investment in our property if we had known the pit would be in operation until 2020!

WEEDS—we have never seen any sign that weed control is being done around the perimeter of the pit, i.e. berms; either spraying or hand pulling. This lack of weed control definitely impacts the presence of weeds on our property. We are diligent about hand

January 5, 2009

spraying, and hand pulling the thistle and other weed seeds that are blown into our pasture because our neighbor does not control his weeds.

TRAFFIC SAFETY—Little Bear Road is narrow, without any type of shoulder. When two cars pass each other, there is little room for a pedestrian or bicycle. When two gravel trucks pass each other, there is **no** room for a pedestrian or bicycle traffic. Little Bear Spur road is a gravel road, it is even narrower. If traffic studies suggest an increase in overall traffic, with continued gravel truck usage, the road should at least have shoulders, Little Bear Spur should be paved and the bridge on Little Bear Spur should be evaluated. The bridge is a one vehicle bridge and doesn't look like it is strong enough to hold the weight of a large gravel truck. Many residents along Little Bear walk run or ride bicycles. There are more and more children coming of an age to ride their bicycle on the road. I would not consider it safe for children in its current condition.

ENVIRONMENT--The valley is rich in gravel, but is also rich in scenic beauty, and what used to be fertile agricultural land (now subdivisions). It seems that the Gallatin Valley is destined to pockmarked and scarred for eternity by gravel pits. Nice legacy to the future.


WHAT IS THE MARKET FOR ALL OF THIS GRAVEL? There is a proliferation of gravel pits in our valley stimulated by the past building/subdivision development frenzy. Those days seem to be gone, at least for the near future. So who is going to buy all of this gravel? Is there really a need for additional capacity of gravel production? Does anyone know what quantity of gravel reserves we have available right now? New infrastructure projects will have a need, but will they need the huge quantities already available?

We appreciate your attention to this very important matter. We do applaud the process that is currently in place. We support the current effort to create requirements and standards for gravel pit operations, both in the case of expansion and new development. **All** gravel pits should be subject to equal scrutiny, i.e. professional EA's, oversight and enforcement of the conditions they are allowed to operate by.

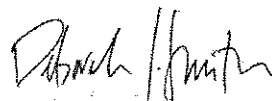
We know the Huttinga Pit will expand, that much is clear. We do expect protection of our health, safety and welfare by our public officials, and therefore ask that conditions be placed that will help ensure that protection. We also ask that the Huttinga Pit be held to the same requirements as the other gravel pits in the county. The EA submitted with his application does not equal the EA's submitted with other pit applications in terms of its thoroughness and professional evaluation of the data. This process should be consistent in its requirements.

To summarize our main concerns: NOISE, DUST, PREDICTABILITY, PROPERTY VALUES, WEEDS, TRAFFIC SAFETY, ENVIRONMENT, AND WHAT IS THE MARKET FOR ALL THIS GRAVEL.

Thank you for your time in reading our letter.



Scotty A. Smith



Deborah J. Smith

Cc: Tom Rogers, Greg Sullivan

Rogers, Tom

From: Susan Rabatin [azul1@ix.netcom.com]
Sent: Wednesday, January 07, 2009 10:35 PM
To: Rogers, Tom
Subject: Huttinga Pit CUP issues



Tom,

I am a neighbor to the Huttinga pit on the bench above in the Little Bear Subdivision. Although the pit negatively impacts my property and quality of life in a number of ways, I am going to focus on the noise, and specifically the noise of the rock crusher.

I see in the Huttinga CUP application that no plan for noise mitigation is addressed. Mr. Huttinga could be a better neighbor to the residents around the pit by either using a bigger crusher and running for limited hours, or enclosing the crusher with sound mitigation screens. Because of the topography here, residents along Bear Crossing Road in Little Bear have a sound magnification effect from being upslope from the pit. The combination of gravel trucks pulling into the pit, the back-up beepers, and the crusher and the worst days are around 80 decibels on my property. And that is 40 hrs a week of 60-80 decibels. The stress from this level of constant hammering noise is enormous.

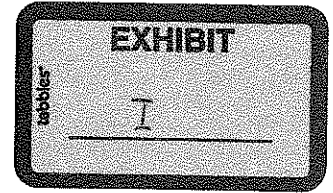
I invite you to come and visit and see the impact of the pit for me and my neighbors on the N. side of Little Bear Subdivision.

Susan

Susan Rabatin
763-4753
azul1@ix.netcom.com

Rogers, Tom

From: Jan McGurk [jemcgurk70@sbcglobal.net]
Sent: Thursday, January 08, 2009 9:02 PM
To: azul1@ix.netcom.com; Bob and Muriel Kimbley; Rogers, Tom
Subject: Huttinga pit



Dear Tom,

Regarding Dick Huttinga's gravel pit, I would like to note the following:

The bond to insure that reclamation is done needs to be much higher, and the reclaiming needs to be done on an ongoing basis, not when the pit permit runs out.

During a phone conversation in April, and also during a personal visit in September, Mr. Huttinga was notified of a company that encloses screens and crusher to minimize external noise. Mr. Huttinga informed me in September that this would not be necessary because he planned to close the pit due to the fact that it would not be profitable for him to continue. Needless to say I was most surprised to hear that he had requested the permit and extension through 2020 with no restrictions. We live on the hill overlooking the pit and own four lots in the subdivision, so obviously the lack of noise control and restrictions on hours concerns us greatly. Such a situation will have a very negative impact on the value of our property.

Also, I believe Dick's original permit stated that the homes affected by the pit are vacation homes only, not permanent homes, which, for the vast majority in the subdivision is not the case.

Mr. Huttinga was given the following information about noise reduction:

Acoustical Systems, Inc. in Vandalia, OH (www.acousticalsystems.com)

1-800-752-6640 or 1 937-898-3198

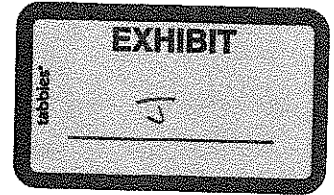
When Mr. Huttinga was given this information, he indicated that the cost of such a system was not worth the price.

We want to be good neighbors, and don't wish to affect anyone's livelihood, but we would expect the same respect in return so that we can continue to enjoy the quiet, tranquil setting we have in Montana. Your help in protecting the rights of the neighborhood is greatly appreciated. I know much time and effort has been expended in this endeavor. If you have questions we can be reached at 1-765-793-4681 after Jan. 17, as we will be traveling and away from home. Our time zone is 2 hours ahead of Montana. Thank you again for all your work on this.

Sincerely,
Tom and Jan McGurk

Rogers, Tom

From: Bob Kimbley [bkimbley@theglobal.net]
Sent: Friday, January 09, 2009 7:56 PM
To: Rogers, Tom
Subject: Huttinga Pit

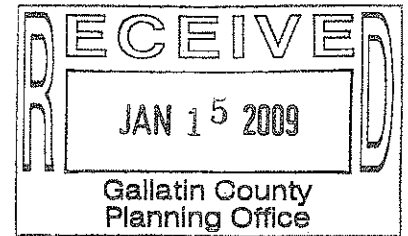
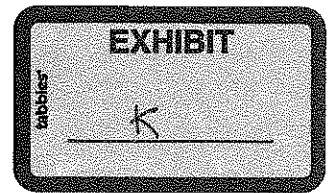


Dear Tom,

Regarding Dick Huttinga's gravel pit, I would like to note the following;
My wife and I purchased our property on the hill overlooking the pit. Our retirement property was purchased in 1988. We retired in 1994 and built our home on one of our lots. In 1996 Dick Huttinga started his gravel pit operation. If we had known that a gravel mine was going to go in we wouldn't of purchased this property or built our home. The mine is very noisy and dust and truck traffic is annoying. Additionally, our home and property values have gone down. At a home owners meeting last year we gave Dick Huttinga the information about one company that makes an enclosure that could go around the rock crusher that would reduce the noise. He mentioned that it was probably a sales gimmick. Your help in protecting the rights of the neighborhood would be greatly appreciated.

Sincerely,
Bob and Muriel Kimbley
(406) 763 5566

Paul & Brooke Trey
15140 Eagle Eye Way
PO 689
Gallatin Gateway, MT 59730
406-570-0763
paultrey@q.com



1-13-09

Gallatin County Commission
C/O Tom Rogers
Gallatin County Planning Department
311 West Main Room 108
Bozeman, MT 59715

Dear Sirs:

Thank you for notifying us of the public hearing for Huttinga Gravel Pit on Tuesday January 27, 2009. We will try to attend, but in case we cannot we wish to have our comments made part of the record.

We want to express our appreciation of and support for Mr. Huttinga and his operation. He is an exemplary and considerate neighbor and his operation shows great concern for and effort toward conservation and preservation of the environment and appearance of the land.

As the crow flies (or in my case the eagle) and outside of their immediate neighbors on Little Bear Road, our home is probably the closest one to Mr. Huttinga's operation. We have owned and occupied our home for five years and for the first two were unaware that there even was a commercial gravel pit nearby. It is very rare to hear any noise related to the pit and despite some pretty good winds from that direction, we have never experienced dust or smells from Huttinga's pit.

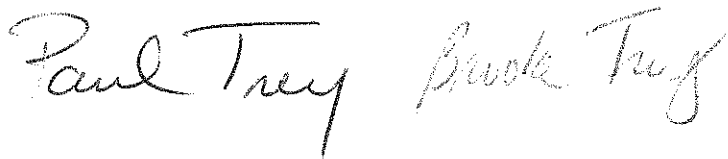
In the winter there are often elk bedding between my house and the Huttinga pit and there are lots of coyote, deer and birds around that do not seem affected by the operation.

On a personal note Mr. Huttinga cuts hay with draft horses on our hill in the summer and plows the roads at considerable personal inconvenience in the winter. We admit to being occasional customers of the gravel pit, but only a few loads a year, (It is hard to pass up good gravel you know) and are not closely acquainted with Mr. Huttinga so we feel that these comments are not biased. Neither were they solicited.

In light of these observations, we have full confidence in Mr. Huttinga and believe that his plans for his gravel pit will be made with consideration of the area and that he will continue to be a valuable asset to this part of the county.

Thank you for your time and attention to this matter.

Sincerely,

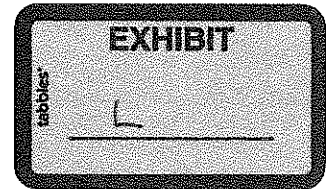
Handwritten signatures of Paul Trey and Brooke Trey in cursive script.

Paul & Brooke Trey

Gateway Opencut Mining Action Group

January 19, 2008

Gallatin County
311 West Main
Bozeman, MT 59715



RE: Comments on Huttinga Pit CUP Application

Dear Gallatin County Commissioners, Planning and Legal Departments:

The CUP process to date, through the Morgan and Storey Pit CUP Applications, has been well thought out and has achieved mitigation of adverse impacts that will make it much more tolerable to co-exist with gravel mining operations in our neighborhoods. Although the Huttinga CUP Application does not include the same rigor of analysis of the potential impacts of the operations to the human and natural environment, we hope that the conditions of the permit will be at least comparable to those of the previous two CUPs.

Our input is organized here into three parts.

- A. **Issues Comparable to Previous CUP Applications:** The first part is that which will likely be addressed by permit conditions if the process follows that which we have seen for the previous two CUP Applications.
- B. **Issues Unique to Huttinga CUP Application:** The second part is things that are unique about the Huttinga Pit and have not yet been encountered by the Gallatin County Interim/Emergency Zoning CUP process.
- C. **Issues Not Addressed by Previous CUP Conditions:** The third part is those issues that have remained un-addressed or inadequately addressed by CUP conditions developed for previous CUP Applications

A. Issues Comparable to Previous CUP Applications:**1. Dust and Noise**

Baseline air quality and sound monitoring should be performed by qualified technical experts to determine the potential impact of the proposed amendment and appropriate mitigation of the proposed operations. The Plan of Operations should consider real-time monitoring of air quality and noise. Mitigation requirements should be triggered by ongoing monitoring results that exceed certain threshold air quality (to be determined) and noise (10 db over background day-night average) measurements.

2. Ground Water

There has not been adequate monitoring of seasonal high ground water levels to clearly define the depth to the ground water table throughout the area of the proposed expansion.

B. Issues Unique to Huttinga CUP Application:**1. Environmental Analysis**

There has been no Draft Environmental Assessment performed for the current expansion application, submitted to DEQ on February 25, 2008. Recent queries to the DEQ Opencut Mining Division concerning availability of a Draft EA indicated that there has been no work yet performed on an environmental analysis for the proposed Huttinga Pit expansion. It is critical that this information be provided for incorporation in County CUP analysis.

There are errors, significant weaknesses and elements lacking in the original EA and subsequent Supplemental EAs that were performed for the original permit (HUT-001) and Amendments to that permit (No. 1 and No. 2). Comparison of these to the relatively thorough and professional EAs that were performed by Garcia and Associates for the Morgan and Storey Pits show the inadequacy of the previous DEQ environmental analyses for the Huttinga Pit. The comparison between the professional 3rd party EAs and those submitted with the Huttinga Pit CUP Application is striking.

2. Dust and Noise

Additional consideration of the mitigation of the adverse impacts of dust and noise should be made for the subdivision on the bench above the Huttinga Pit. The topographic configuration precludes any mitigation of dust and noise by berms for these residences, approximately 120 feet above the pit. Although this subdivision was created, residential lots were sold and homes were built before the Huttinga Pit was originally permitted, the

impacts of the operation to this subdivision, particularly to the residences on the edge of the bench, have never been considered or mitigated, through errors and oversight in the DEQ environmental analysis.

Additional considerations will also be needed concerning mitigation of fumes and odors from any asphalt plant included in the CUP. The asphalt plants are subject to Air Quality Standards have been developed to be protective of human health to a level that is tolerable by our society. What is not addressed by the air quality standards, is those levels of emissions that do not necessarily cause respiratory illnesses or damage (except in sensitive receptors), but those levels that none-the-less cause adverse impacts. Asphalt plant emissions that are in compliance with State and Federal Air Quality Regulations still routinely cause headaches and nausea in many people. Conditions must be developed to mitigate those adverse impacts of asphalt plant emissions.

3. Ground and Surface Water

It is unclear from the CUP Application how much mining will be performed below ground water, and clarification should be requested from the Applicant. In some places in the application it is stated that the plan is to mine above ground water, but in other places it states that the 1.5-acre pond (current size) will be expanded to 6 acres. It is not clear if this below-ground water mining will be in a single location, or throughout the area, moving as mining progresses. The permit application estimates the depth of mining from ground surface in the amendment area as "50-75 feet", which could be as much as approximately 60 feet deep into ground water. Please note that the pond and stream elevations included on the map showing the topographic survey of the proposed permit area are from December 12, which is typically a time of low seasonal ground water elevations and surface water flows.

A professional hydrogeological analysis should be done to assess the potential impacts of this permit application on ground water and surface water in the Gallatin River watershed, which is within a basin closed to further surface water rights, particularly in consideration of the Smith River decision by the Montana Supreme Court in April 2006. The pond in the Huttinga gravel pit that is visible in the 2005 aerial photos is approximately 845 feet from Big Bear Creek, but the permit boundary comes to within 195 feet of Big Bear Creek. Please include review and input from Montana Fish, Wildlife and Parks (MFWP) and the Greater Gallatin Watershed Council concerning potential impacts to surface water, and the Gallatin Local Water Quality District concerning potential impacts to ground water quality and quantity.

4. Aquatic and Terrestrial Wildlife

MFWP records show that cutthroat trout in Big Bear Creek have been genetically analyzed and determined to be 100% pure Yellowstone Cutthroat Trout (MFISH database, 2008). This subspecies is ranked G2 S2 by the state of Montana (*At risk because of very limited and potentially declining numbers, extent and/or habitat, making*

it vulnerable to global extinction or extirpation in the state), and is considered to be "sensitive" by the US Forest Service and Bureau of Land Management. Although the Supplemental EA for Amendment No. 2, dated 12/13/2006, cites evidence that thermal impacts to ponds are dissipated in ground water within "hundreds of meters down gradient of the pond", the boundary of the permit area is within 195 feet (60 meters) of the stream. Therefore the location of below-ground water mining and location of both operational and reclamation ponds must be clearly defined and impacts of those locations to the stream fisheries evaluated.

It must be remembered that *ground water* quality standards and regulations are developed to be protective of human health. Yet these same levels of constituents in ground water that are legal and do not cause any impacts to human health may adversely impact aquatic organisms. Because the Huttinga Pit is close to Big Bear Creek, operations plans and monitoring must be sure that impacts to ground water that may be legal via human health-based ground water standards will not increase levels of constituents in Big Bear Creek to a level that will adversely impact aquatic life. The Huttinga Pit may also require additional protections since the lateral transport distance of any impacts to ground water from the Huttinga Pit may not be sufficiently large to treat/ remove impacts to ground water (particularly biological pollutants).

MFWP should also be consulted concerning potential need for mitigation of impacts to elk breeding and migration areas. As stated in the Staff Report for the Gateway Planning Area, the area in the immediate vicinity of the Huttinga Pit "has commonly been identified by Montana Fish, Wildlife, and Parks as being high in wildlife value."

5. Public Health and Safety on County Roads:

The Huttinga Pit is accessed by county roads that are used by many walkers, joggers and bike-riders. These roads (Little Bear Road and Little Bear Spur Road) have little or no shoulder or berm on which these recreational users can shelter if there are vehicles in both lanes of the road. Conditions should be developed to ensure public health and safety despite commercial use of these roads by gravel trucks.

C. Not Addressed by Previous CUP Conditions:**1. Permit Creep and Predictability**

This is the history of this pit:

Permit:	Permit Date	Total Area:	Maximum Depth:	Reclaimed By:	Operating Hours
Hutt 001	7/5/1996	5 acres	20 feet	10/1/2010	Not specified
Amendment 1	9/25/2003	15 acres	30 feet	10/1/2015	Not specified
Amendment 2	12/13/2006	25 acres	Same	Same	Not specified
Proposed Amendment 3		48.56 acres	50-75 feet	10/20/2020	Not specified

There has been no reclamation to date, and none of the reclamation bond has been released by the state. The adjacent residents have been faced with a changing story / picture of the future. This slow "death by a thousand cuts" has essentially obliterated any ability the neighbors and neighborhood have had to plan for its future and their properties.

2. Property Values

Property values are a significant portion of the human (social, economic) environment for which potential impacts must be analyzed under MEPA [ARM17.4.206(3)(3)]. Moving forward with the CUP conditions without the appropriate MEPA analysis and an in-depth, scientifically valid study of the impacts of gravel pits to property values of different types within the Gallatin Valley has made consideration of these impacts and conditions to mitigate these impacts problematic.

There are an immense number of variables to be considered that impact the value and marketability of a single property. There are an additional large number of variables concerning different gravel operations. Because of the number of variables, a statistically and scientifically valid study must include thousands of properties to be able to correctly isolate the portion of impact on property value that is due to a gravel operation. The problem requires an extremely large database to appropriately isolate the impact of a gravel pit. The large body of peer-reviewed, published, academic and research literature concerning the impacts of an environmental disamenity such as a gravel pit has should be considered in the CUP process.

Application of small appraisal-based studies to the question of the impact of a gravel pit on property values in the vicinity of that pit is scientifically and statistically invalid. These small studies do not sufficiently adjust for many of the variables that will impact property value. For example, in the Rygg study from the Flathead Valley, which DEQ has tried to apply to the Gallatin Valley, the homes are located in densely forested area and the gravel operations are only visible from one of the homes included in the study.

Appraisal methods have been developed to consider the variables such as number of bedrooms, number of bathrooms, size of the home, but not the variation in impact to property value of a 5-acre, 2-year gravel operation versus a 50-acre, 26-year gravel operation.

Finally, although there are statistically valid studies that attest to the impact of gravel pits on property values in the vicinity, we have not yet found any published research showing that mitigation of specific impacts (noise, dust, etc.) actually mitigate the impact to property values.

3. Cumulative and Secondary Impacts

DEQ MEPA analyses, where available, have never yet made appropriate analysis of the cumulative and secondary impacts of permitted gravel operations. There is a pervasive failure throughout DEQ Opencut Mining Permitting to properly include cumulative and secondary impacts analysis as required by ARM17.4.609(3)(d) and (e), and ARM17.4.603(7).

Two blatant cumulative impacts related to gravel operations are the impacts of multiple gravel operations to air quality and wildlife habitat. Cumulative environmental impacts analysis should include air quality data and meteorological data, in order to adequately address the full impact of permitting any additional sources in the Gallatin Gateway Planning Area, regardless of DEQ authority over any of these other sources. Cumulative impact analysis should consider the long-term impact of permitting of gravel operations (as well as any other development) to the quantity, quality and connectivity of wildlife habitat.

There are particular concerns about secondary impacts of this and other gravel pit permits to the development and community of Gallatin Gateway. There are very real concerns in the community that the area is becoming industrial and/or a gravel-mining district. The Huttinga Pit CUP should be examined in the setting of the cumulative impact of opencut mining permits on the community with particular attention to traffic and property values.

4. Compliance with Gallatin County Growth Policy:

It is not clear to the citizens of the Gallatin Gateway Area how permitting a 48-acre, 24-year major industrial facility in an area of the County that is categorized in the Gallatin County Growth Policy as "agricultural/rural" is in compliance with that growth policy. It is not clear to owners of residences in the vicinity of the Huttinga Pit how, per the Gallatin County Interim Zoning Regulation for Operations that Mine Sand and Gravel Or Operations that Mix Concrete or Batch Asphalt, this major industrial use will "preserve the character of the area" (Section 6.3).

Thank you for your continued hard work on the issue of co-existing with gravel mining in Gallatin County.

Sincerely,

A handwritten signature in cursive script that reads "Carol Lee-Roark".

Carol Lee-Roark, Co-Chair
Gateway Opencut Mining Action Group